THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION NO. 4808 of 2006

DATED: 13-03-2006

Between:

M/s. Stone Ware Ceramic,

Rep. By its Proprietor

Amar Sing Tilavath …Petitioner

and

The State of Andhra Pradesh,

Represented by its Principal

Secretary to Government,

Industries & Commerce Department,

Secretariat Buildings, Hyderabad and four others … Respondents

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WRIT PETITION NO. 4808 of 2006

ORDER:

Seeking to declare the action of the respondents in not considering the case of the petitioner for grant of mines lease for a period of 20 years for White Clay to the extent of 13.50 hectors in Survey No.122 of Rallapet Village, Rebbena Mandal, Adilabad District as illegal and arbitrary, petitioner filed the present writ petition.

Heard both sides.

It is the case of the petitioner that petitioner is a proprietary concern, represented by Amar Sing Tilavath, who belongs to Scheduled Tribe Community applied for mining lease in the name of the petitioner firm in respect of white clay in an extent of 13.50 hectors in Survey No.122 situated at Rallapet village, Rebbena Mandal, Adilabad District. It is stated that the Director of Mines and Geology, allotted an extent of 13.50 hectors only in the said survey number vide proceedings dated 09-10-2002 in file No. 765/M/02. The Assistant Director of Mines and Geology also recommended for grant of lease of an extent of 13.50 hectors. It is further stated that the Assistant Director of Mines and Geology, 4th respondent, addressed a letter to the 5th respondent on 22-11-2004 regarding the classification and availability of the area in S.No.122.61, 66 and 62 and 60 of Rallapet village, Rebbena Mandal, Adilabad District with sketch. Pursuant to the same, 5th respondent vide his report in Rc.No.B/152/05 dated 23-04-2005, sent the said particulars along with map showing measurements with sketch of white clay area.

It is the further case of the petitioner that as per the Gazette Adilabad notification No.11-B, dated 20-11-2002, the mining lease in respect of scribal areas shall be granted in favour of scribals only. Petitioner being scribal, he is entitled for consideration for grant of said lease. It is stated that the petitioner made representations on 07-07-2004 and 15-02-2004 before the first respondent, but the first respondent has not considered and dispose of the same, as recommended by other respondents 2 to 5.

Having regard to the facts and circumstances of the case, without expressing any opinion on the merits of the case, as the application of the petitioner is pending before the first respondent, first respondent is directed to consider and dispose of the same in accordance with law after giving reasonable opportunity to all the concerned within 10 weeks from the date of receipt of a copy of this order.

Accordingly, writ petition is disposed of. No costs.

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V. ESWARAIAH, J.

Dated: 13-03-2006

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